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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,375	10/25/2000	Stein A. Lundby	PA000452	3689

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 04/19/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/697,375

Applicant(s)

LUNDBY ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18, 20-26, 29 and 31 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-8, 27, 28, 30, 32-34, and 36-40 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 9-12 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 8, 27, 28, 30, 32-34, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matero (US 6,215,988) in view of Vanghi (US 6,711,150).

Regarding claims 1, 8 and 38 Matero teaches a method and apparatus for transmitting in a wireless communication system (fig. 2), the system supporting packet data (fig. 2 box 30) and low delay data (fig. 1 box 30') on a plurality of forward link transmission channels (switch between frequency bands, col. 3 lines 40-47).

Regarding claims 1, 8, and 38, the system comprises a first set of forward link channels within the plurality of transmission channels, the first set of channels being assigned to packet data transmissions and packet data being transmitted in frames (GSM, DAMPS, col. 3 lines 40-47).

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Regarding claim 1, 8, and 38, the system comprises a second set of forward link channels within the plurality of transmission channels, the second set of channels being assigned to low delay data transmissions (DCS1800, col. 3 lines 40-47).

Regarding claims 5 and 27, Matero teaches a memory storage (fig. 2 box 24) and processor (fig. 1 box 18, controller, col. 4 lines 16-19).

Regarding claims 27, 28, 36, and 37, the system receives packet data via a set of packet data channels (GSM, DAMPS, col. 3 lines 40-47).

Regarding claim 37, the system receives low delay data transmissions (DCS1800, col. 3 lines 40-47).

Regarding claim 30, decoding the first packet of data (fig. 2 box 10).

Regarding claim 34, low delay data channel is one of a first set of channels (GSM, col. 3 lines 40-47). Note GSM traffic can be viewed as both low delay and packet data.

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Regarding claims 1, 5, 8, 27, 28, 32, and 36-40, the reference is silent on a forward link signaling channel within the plurality of transmission channels, the signaling channel being assigned to message transmissions, wherein each message corresponds to packet data and identifies a packet data target recipient.

Regarding claims 5 and 32, the reference is silent on decoding the message.

Regarding claims 3 and 34, the reference is silent on the first message identifies a subset of the first set of channels.

Regarding claims 1, 5, 8, 27, 28, 32, and 36-40, Vanghi teaches a forward link signaling channel within the plurality of transmission channels, the signaling channel being assigned to message transmissions, wherein each message corresponds to packet data and identifies a packet data target recipient (forward power control channel, power control bits, mobile station receives and adjusts, col. 1 lines 55-57 and 62-64). Regarding claims 37 and 39, the examiner equates the applicant's parameter of the packet with the power level of Vanghi.

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Regarding claims 5 and 32, decoding the message (Vanghi: col. 1 lines 55-57, 62-64). Note, the mobile decodes the message in order to determine whether to raise or lower the power level.

Regarding claims 3 and 34, the examiner corresponds the first a subset of the applicant with the mobile of Vanghi (Vanghi: col. 1 lines 55-57, 62-64).

Therefore it would have been obvious to one of ordinary skill in the art, having both Matero and Vanghi before him/her and with the teachings [a] as shown by Matero, a wireless communication system, the system supporting packet data and low delay data on a plurality of transmission channels, and [b] as shown by Vanghi, the base station transmitting power control information to the mobile on the forward power control channel, to be motivated to modify the system of Matero by transmitting power control information to the mobile on the forward power control channel. This modification can be performed in software. This would improve the system by providing a means for the base station to inform the mobile to increase or decrease its power level.

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3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Matero and Vanghi as applied to claim 5 above, and further in view of Zicker (US 5,465,388).

Regarding claim 6, although Vanghi teaches target recipient information, the reference is silent on identifying multiple recipients.

Zicker teaches the target recipient information identifying multiple recipients (broadcasts emergency signal, forward portion of a signaling channel, col. 14 lines 18-28).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of Matero and Vanghi and Zicker before him/her and with the teachings [a] as shown by the combination of Matero and Vanghi, a wireless communication system, the system supporting packet data and low delay data on a plurality of transmission channels, and [b] as shown by Zicker, the target recipient information identifying multiple recipients, to be motivated to modify the system of the combination of Matero and Vanghi by using the forward channel to also broadcast emergency information. This modification can be performed in software. This would improve the system by

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providing a means for the base station to inform all the mobiles in the network of an emergency.

Regarding claim 7, a memory storage (fig. 2 box 24) and processor (Matero: fig. 1 box 18, controller, col. 4 lines 16-19).

***Allowable Subject Matter***

4. Claims 13-18, 20-26, 29, and 31 are allowed.
5. Claim 2, 4, 9-12, and 35 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 13 and 26, Vanghi teaches a wireless apparatus operative to receive packet data via at least one of a first set of channels (dedicated traffic channel, col. 1 line 67), and a signaling channel (forward power control channel, power control bits, mobile station receives and adjusts, col. 1 lines 55-57, 62-64), nothing in the prior art of the record teaches or fairly suggests receiving coding information via the signaling channel.



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Regarding claim 18, 21, 22, 29, 31, Matero teaches a first set of forward link channels within the plurality of transmission channels, the first set of channels being assigned to packet data transmissions and packet data being transmitted in frames (fig. 2 box 30), the system comprises a second set of forward link channels within the plurality of transmission channels, the second set of channels being assigned to low delay data transmissions (fig. 2 box 30').

Regarding claim 18, 21, 22, 29, Vanghi although teaches a forward link signaling channel within the plurality of transmission channels; the signaling channel being assigned to message transmissions (forward power control channel, power control bits, mobile station receives and adjusts, col. 1 lines 55-57, 62-64), nothing in the prior art of the record teaches or fairly suggests the message corresponds to a packet transmitted on one of the first set of channels. In contrast, the signaling channel of Vanghi informs the mobile to raise or lower the power level.

Regarding claim 2, although Vanghi teaches a first message is transmitted on the signaling channel concurrently with the packet data (periodically estimates and transmits, col. 1 lines

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59-62), nothing in the prior art of the record teaches or fairly suggests the first message is associated with a specific first packet data frame.

Regarding claim 4, 9 and 35, nothing in the prior art of the record teaches or fairly suggests the first message identifies a coding scheme, in combination with the other limitations listed in the claim.

***Prior art is of record***

6. The prior art is of record but not relied upon in the office action. Bae (US 2002/0097697) teaches the mobile adjusting its data rate upon reception of code allocation information and the CIR of the pilot channel.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-18 and 20-27 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant that the combination of Anderssen and Wong does not teach the limitations of the independent claims in the currently presented. Therefore, a new search was performed.


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**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ronald Abelson  
Examiner  
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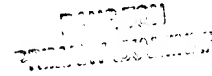
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4/9/04

A handwritten signature in black ink, appearing to be 'J. M.' or similar, written in a cursive style.A faint, rectangular stamp or seal, possibly containing text, located below the signature. The text is illegible due to fading.